

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 06/19/01
AGENDA ITEM 4
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Maintenance District No. 1 – Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane. Approve the Engineer's Report and Order the Levy of Assessments for FY 2001-02

RECOMMENDATION:

It is recommended that the City Council hold a public hearing, approve the final engineer's report and order the levy of \$171.60 per parcel, as the assessment and collection amount for FY 2001-02.

DISCUSSION:

Maintenance District No. 1 ("District") was formed to fund the operation and maintenance of a storm drain pumping plant that serves the Stratford Village development near Stratford Road and Ruus Lane. The district includes four tracts totaling 174 residential homes and 1 city owned park site.


A 1995 agreement between the City and Alameda County Flood Control District ("Flood Control District") vests the responsibility for the maintenance and operation of the storm drain pumping plant with the Flood Control District and requires the City to fund these costs along with a capital replacement fund. The FY 2001-02 budget amounts in the Engineer's Report were provided by the Flood Control District, based on their experience with prior year's expenditures and similar storm drain pumping stations. The proposed FY 2001-02 assessment amount of \$171.60 per parcel is the same as FY 2000-01.

On April 10, 2001, the City Council adopted a resolution of intention to levy the annual assessment for Maintenance District No. 1. On April 25, 2001 City staff held a property owner's meeting to discuss the proposed assessment. No property owners attended the meeting.

Prepared by:


Dyana Anderley, AICP
Planning Manager

Recommended by:


Sylvia Ehrental
Director of Community and Economic Development

Approved by:


Jesús Armas, City Manager

Exhibits:

Engineer's Report
Draft Resolution(s)

6.4.01

FINAL ENGINEER'S REPORT

CITY OF HAYWARD MAINTENANCE DISTRICT No. 1

Fiscal Year 2001-02



Prepared for:
City of Hayward

Prepared by:
Francisco & Associates, Inc.
130 Market Place, Suite 160
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June 19, 2001

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CITY COUNCIL MEMBERS AND CITY STAFF

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Council Member

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Michael O'Toole
City Attorney

Angie Reyes
City Clerk

Daniel R. Garcia, P.E.
Development Review Services Engineer

Joseph A. Francisco, P.E.
Francisco & Associates, Inc.
Consultant Engineer

ENGINEER'S REPORT

**CITY OF HAYWARD
MAINTENANCE DISTRICT No. 1**

FISCAL YEAR 2001-02

The undersigned respectfully submits the enclosed Engineer's Report as directed by the City Council.

Dated: _____

By: _____
Daniel R. Garcia, P.E.
RCE No. 45710

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was filed with me on the _____ day of _____, 2001.

Angelina Reyes, City Clerk
City of Hayward
Alameda County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was approved and confirmed by the Council of the City of Hayward, Alameda County, California, on the _____ day of _____, 2001.

Angelina Reyes, City Clerk
City of Hayward
Alameda County, California

By: _____

I HEREBY CERTIFY that the enclosed Engineer's Report, together with the Assessment Roll and Assessment Diagram thereto attached, was filed with the County Auditor of the County of Alameda, on the _____ day of _____, 2001.

By: _____
Jennifer A. White
Francisco & Associates, Inc.

SECTION I

**INTRODUCTION
ENGINEER'S REPORT**

**CITY OF HAYWARD
MAINTENANCE DISTRICT NO. 1**

FISCAL YEAR 2001-02

Background Information

On January 5, 1993, by Resolution No. 93-010, the City Council approved the vesting tentative map of Tract 6472 for a 148 lot single-family residential subdivision located on the northerly side of Industrial Parkway West adjacent to the collector streets of Pacheco Way, Stratford Road and Ruus Lane. The final subdivision consisted of 143 lots.

Conditions of approval for Tentative Map Tract 6472, which included Final Tract Maps 6472, 6560, 6682 and 6683, included provisions for storm drainage improvements and construction of an approved stormwater pumping facility. The drainage area and the stormwater pumping facility were analyzed in documents prepared by Wilsey & Ham, Civil Engineers. These documents indicated the following: the drainage basin includes 29.1 acres, of which 24.7 acres are residential, 1.9 acres are for a park site, and 2.5 acres are for the collector streets associated with Stratford Road and Ruus Lane. Pacheco Way does not drain into this drainage basin system nor does the industrial property to the south.

In addition to the 143 lots identified above, final Tract Map 6682, with a total of 31 lots located immediately to the east of Chutney Road, was also approved. Therefore, the total number of residential lots in the drainage basin is 174. In addition to the residential lots, there is a park located on one parcel of land. Therefore there are 175 assessable parcels in the drainage basin.

On June 6, 1995, by Resolution No. 95-103, the City Council ordered the formation of Maintenance District No. 1 to provide for the operation and maintenance of the storm drainage improvements and the stormwater pumping facility to facilitate the drainage basin.

A Storm Water Lift Station (SWLS) has been constructed to pump storm water run-off for the developed area which is adjacent to the Alameda County Flood Control and Water Conservation District's ("Flood Control District") Line B, Zone No. 3A. The plans for the lift station were approved by the City and the Flood Control District. The SWLS was designed with capacity for only the development of the area encompassing the 175 parcels. No added capacity was constructed for run-off from other areas such as the Georgian Manor and Spanish Ranch Mobile Home Parks, which are presently served by a privately owned and operated pumping facility located within each park.

An agreement between the City and the Flood Control District transferred ownership of the SWLS to the Flood Control District. The agreement stated that the Flood Control District concurred with the SWLS transfer subject to the City providing the Flood Control District with the funds to operate, maintain, and provide for capital equipment replacement and for modifications that may become necessary for the optimal performance of the SWLS.

Proposition 218 Compliance

On November 5, 1996 California voters approved Proposition 218 entitled "Right to Vote On Taxes Act" which added Articles XIIC and XIID to the California Constitution. While its title refers only to taxes, Proposition 218 establishes new procedural requirements for the formation and administration of assessment districts.

These new procedures stipulate that, even if assessments are initially exempt from Proposition 218, future increases in assessments must comply with the provisions of Proposition 218. However, if the increase in assessment was anticipated in the assessment formula (e.g., Consumer Price Index (CPI) increase or assessment cap) then the City would not be in compliance with the provisions of Proposition 218 if the assessments did not exceed the assessment formula.

For Fiscal Year 2001-02 there are no proposed increases in assessment, therefore Proposition 218 proceedings are not needed.

Current Annual Administration

The agreement calls for the City each year to deposit with the Flood Control District the funds to maintain, operate, and set aside assessment revenue to provide for a capital replacement fund.

Each year, no later than December 1, the Flood Control District will furnish the City with an itemized estimate of the cost to operate, maintain and supplement the capital equipment replacement fund for the fiscal year commencing on the next July 1. Should the capital equipment replacement fund be inadequate to cover unscheduled/emergency repairs, equipment replacement or modifications that are found to be necessary for the normal and safe performance of the SWLS, the Flood Control District will provide the City with written notice of the need for additional funding.

In Fiscal Year 2000-01 the Flood Control District staff evaluated and approved the purchase of a Supervisory Control and Data Acquisition (SCADA) system. This system allows Alameda County Flood Control staff to respond much faster in emergencies and allows staff to remotely observe, troubleshoot, and operate the facility. For instance, during heavy rains, the operator can observe pumping actions, start and stop the pumps, and reset alarms remotely. The cost of purchasing this system has been spread over a five year period and is included in this year's budget.

The annual Engineer's Report includes: (1) a description of the improvements to be operated, maintained and serviced, (2) an estimated budget, and (3) a listing of the proposed assessments to be levied upon each assessable lot or parcel.

The City of Hayward will hold a public hearing, June 19, 2001, to provide an opportunity for any interested person to be heard. At the conclusion of the public hearing, the City Council may adopt a resolution confirming the levy of assessments as originally proposed or as modified. Following the adoption of this resolution, the final Assessor's roll will be prepared and filed with the County Auditor's office to be included on the FY 2001-02 tax roll.

Payment of the assessment for each parcel will be made in the same manner and at the same time as payments are made for property taxes. All funds collected through the assessment must be placed in a special fund and can only be used for the purposes stated within this report.

SECTION II

**ENGINEER'S REPORT PREPARED PURSUANT TO THE PROVISIONS
OF CHAPTER 26 OF PART 3 OF DIVISION 7 OF THE STREETS AND HIGHWAYS
CODE OF THE STATE OF CALIFORNIA**

**CITY OF HAYWARD
MAINTENANCE DISTRICT NO. 1**

FISCAL YEAR 2001-02

Pursuant to Part 3, Division 7 of the Streets and Highways Code of the State of California and the Chapter 10, Article 10 of the Hayward Municipal Code, and in accordance with the Resolution of Intention, being Resolution No. _____, Preliminarily Approving the Engineer's Report, on April 10, 2001, by the City Council of the City of Hayward, County of Alameda, State of California, in connection with the proceedings for:

**CITY OF HAYWARD
MAINTENANCE DISTRICT No. 1**

Hereinafter referred to as the "District", I, Daniel R. Garcia, the duly appointed ENGINEER OF WORK, submit herewith the "Report" consisting of five (5) parts as follows:

PART A: PLANS AND SPECIFICATIONS

This part describes the improvements in the District. Plans and specifications for the improvements are as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk of the City of Hayward, and are incorporated herein by reference.

PART B: ESTIMATE OF COST

This part contains an estimate of the cost of the proposed improvements, including incidental costs and expenses in connection therewith, as set forth on the lists thereof, attached hereto, and are on file in the Office of the City Clerk of the City of Hayward.

PART C: MAINTENANCE ASSESSMENT DISTRICT DIAGRAM

This part incorporates, by reference, a Diagram of the Maintenance Assessment District showing the exterior boundaries of the Maintenance Assessment District, the boundaries of any zones within the Maintenance Assessment District, and the lines and dimensions of each lot or parcel of land within the Maintenance Assessment District.

PART D: METHOD OF APPORTIONMENT OF ASSESSMENT

This part describes the method of apportionment of assessments based upon the parcel classification of land within the Assessment District, and in proportion to the estimated benefits to be received.

PART E: PROPERTY OWNER LIST & ASSESSMENT ROLL

This part contains an assessment of the estimated cost of the improvements on each benefited lot or parcel of land within the Assessment District. The Assessment Roll is filed in the Office of the Hayward City Clerk.

PART A

PLANS AND SPECIFICATIONS

The facilities, which have been constructed within the City of Hayward's Maintenance District No. 1 boundaries, and those which may be subsequently constructed, will be operated, maintained and serviced and are generally described as follows:

DESCRIPTION OF IMPROVEMENTS

**CITY OF HAYWARD
MAINTENANCE DISTRICT No. 1**

FISCAL YEAR 2001-02

The following improvements are proposed to be operated, maintained and serviced in Maintenance District No. 1 for Fiscal Year 2001-02:

- *The Stratford Village Storm Water Lift Station (SWLS)*

The operation and servicing of these facilities include, but are not limited to: personnel; electrical energy; materials, including diesel fuel and oil; hazardous materials clean up; and appurtenant facilities as required to provide sufficient run-off capacity.

Maintenance means the furnishing of services and materials for the ordinary and usual operations, maintenance and servicing of the SWLS, including repair, removal or replacement of all or part of any of the SWLS.

PART B

ESTIMATE OF COST

Chapter 10, Article 10 of the Hayward Municipal Code and as supplemented by the provisions of Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California require that the cost can be recovered by the District;

The costs for Fiscal Year 2001-02 are summarized below. These cost estimates have been provided by the City of Hayward.

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PART C

ASSESSMENT DISTRICT DIAGRAM

The boundary of the City of Hayward's Maintenance District No. 1 is on file in the Office of the Hayward City Clerk and is incorporated in this report on the following page.

A detailed description of the lines and dimensions of each lot or parcel within the Assessment District are those lines and dimensions shown on the maps of the Assessor of the County of Alameda for FY 2001-02.

For additional information as to the bearings, distances, monuments, easements, etc. of subject subdivisions, reference is hereby made to Final Tract Maps 6472, 6560, 6682 and 6683 filed in the Office of the Recorder of Alameda County.

INSERT ASSESSMENT DIAGRAM HERE

PART D

METHOD OF APPORTIONMENT OF ASSESSMENT

GENERAL

The properties contributing storm water run-off to the pump station consist of the estimated 174 residential lots and street areas within those subdivisions, a portion of Stratford Road and Ruus Lane, and the Stratford Park owned by the City of Hayward.

The residential land uses contain 174 parcels that are contiguous to each other and are not a continuation of any existing development in the surrounding area. The parcels receive a special benefit in that the pumping station and the storm drains protect the residential parcels from storm water flooding. The special benefit derived by the individual parcels is indistinguishable between parcels. Therefore, all residential parcels derive the same benefit and the corresponding method of assessment for residential land uses is based on a per parcel basis.

Stratford Park is owned by the City and receives minimal special benefit. There are no buildings to protect it from flooding, there are only minor structures and landscaping. Therefore, the special benefit for the park was established as equal to the benefit received by one residential parcel, for a district total of 175 parcels.

Pursuant to the Act, each year the legislative body must determine whether the district will be continued for the forthcoming fiscal year and, if so, determine what assessment will be levied for that fiscal year.

The projected total FY 2001-02 maintenance and incidental cost of \$30,030.00 is the same as the cost estimate for FY 2000-01. The proposed annual assessment of \$171.60 per parcel is the same as FY 2000-01.

PART E

PROPERTY OWNER LIST & ASSESSMENT ROLL

A list of names and addresses of the owners of all parcels within the City of Hayward's Maintenance District No. 1 is shown on the last equalized Property Tax Roll of the Assessor of the County of Alameda, which is hereby made a part of this report. This list is keyed to the Assessor's Parcel Numbers as shown on the Assessment Roll on file in the Office of the Hayward City Clerk.

The proposed assessments and the amount of assessments for FY 2001-02 apportioned to each lot or parcel, as shown on the latest roll at the Assessor's Office, are on file in the Office of the City Clerk. The description of each lot or parcel is part of the records of the Assessor of the County of Alameda and these records are, by reference, made a part of this report.

The total proposed assessment for FY 2001-02 is \$30,030.00.

The Assessment Roll for FY 2001-02 is included on the following page of this Report and is on file in the Office of the Hayward City Clerk.

APPENDIX A

**FY 2001-02
ASSESSMENT ROLL**

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPROVING THE ENGINEER'S REPORT,
CONFIRMING THE ASSESSMENT DIAGRAM AND
ASSESSMENT, AND ORDERING LEVY AND COLLECTION
OF ASSESSMENT FOR THE 2001-02 FISCAL YEAR,
MAINTENANCE DISTRICT NO. 1, STORM DRAIN
PUMPING STATION AND STORM DRAIN CONDUIT -
PACHECO WAY, STRATFORD ROAD, AND RUUS LANE
(MD No.1)

WHEREAS, by Resolution No. 01-048 adopted April 10, 2001, a resolution declaring intention to levy assessments for fiscal year 2001-02, this City Council preliminarily approved the Engineer's Report submitted in accordance with the provisions of section 10-10.25 of the Hayward Municipal Code; and

WHEREAS, a public meeting was held on April 25, 2001, to provide information and allow affected owners an opportunity to speak; and

WHEREAS, on June 19, 2001, at the hour of 8:00 p.m., in the regular meeting place of this Council, City Council Chambers, 777 B Street, 2nd Floor, Hayward, California, has been appointed as the time and place for a hearing by this City Council of protests for levy of assessment; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hayward, as follows:

1. At the closing of the public hearing, the property owners owning more than 50 percent of the area of chargeable lands within the proposed maintenance district had not filed written protests against the proposed levy of assessment;
2. The public interest, convenience, and necessity require that the levy be assessed;
3. The properties benefitted by the improvements and to be assessed to reimburse the costs and expenses thereof, and the exterior boundaries thereof, are shown on the maintenance district diagram included in the engineer's report attached hereto as Exhibit "A";

4. Said engineer's report as a whole and each part thereof, to wit:
 - (a) the engineer's estimate of the itemized and total costs and expenses of the improvements and of the incidental expenses in connection therewith and the method of cost allocation and schedule of assessments;
 - (b) assessment roll, identifying the property within the district and setting the base monetary obligation of each property;
 - (c) the maintenance district diagram;
 - (d) the map of the maintenance district showing the boundaries and the respective lots within the district;

are finally approved and confirmed and incorporated herein.
5. Adoption of the engineer's report as a whole, estimate of the costs and expenses, the diagram, the assessment and the collection of fees, as contained in said report, as hereinabove determined and ordered, is intended to and shall refer and apply to said report, or any portion thereof, as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted by or made by this City Council.
6. The assessment in the amount of \$171.60 to pay the costs and expenses of the maintenance of the improvements is hereby levied, and the remaining funds on deposit in the improvement fund are adequate to cover a portion of the assessments for the 2001-02 fiscal year, and the City of Hayward Director of Finance is hereby directed to expend said money for the maintenance of the improvements set forth in Resolution No. 01-048 and described in the engineer's report, and it is hereby determined to order the collection of \$171.60 per lot.
7. Based on the oral and documentary evidence offered and received, including the engineer's report, this City Council expressly finds and determines:
 - (a) that each of the lots in the district will be specially benefitted by the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the lot; and
 - (b) that there is substantial evidence to support this finding and determination as to special benefit;

(c) any public property owned by any public agency and in use in the performance of a public function with the district shall not be assessed.

8. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, the City Clerk shall file a certified copy of this resolution, the diagram, and the assessment with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the county assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the county of collection, shall be paid to the Director of Finance of the City of Hayward.
9. Upon receipt of monies representing assessments collected by the county, the Director of Finance of the City of Hayward shall deposit the monies in the City treasury to the credit of an improvement fund, under the distinctive designation of said Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road and Ruus Lane. Monies in said improvement fund shall be expended only for said maintenance of the improvements set forth in the engineer's report, referenced in Resolution No. 01-048.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2001

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward